Message

From: Andes, Fredric [Fredric.Andes@btlaw.com]

Sent: 9/25/2015 9:28:30 PM

To: Duer, Donna (ENRD) [Donna.Duer@usdoj.gov]

CC: CKatzenm@cityoflancasterpa.com; Brian.Marengo@CH2M.com; Smolski, Robert [Smolski.Robert@epa.gov];

Tierney, Cate [Tierney.Cate@epa.gov]; 'Taber, Nels J.' [ntaber@pa.gov]; 'jannwillia@pa.gov' [jannwillia@pa.gov]; Hocker, Ruth (RHocker@cityoflancasterpa.com) [RHocker@cityoflancasterpa.com]; Volkay_Hilditch, Christine M

(CHilditch@cityoflancasterpa.com) [CHilditch@cityoflancasterpa.com]; Harner, Bryan

(BHarner@cityoflancasterpa.com)~[BHarner@cityoflancasterpa.com]; Nancy.Schultz@CH2M.com

Subject: RE: Action Items for Lancaster

Thanks, Donna. We will copy all of those folks when we send you our response on October 2.

Fredric P. Andes, Esq.

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From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]

Sent: Friday, September 25, 2015 4:27 PM

To: Andes, Fredric

Cc: CKatzenm@cityoflancasterpa.com; Brian.Marengo@CH2M.com; 'Smolski, Robert'; Tierney, Cate; 'Taber, Nels J.';

'jannwillia@pa.gov'; Hocker, Ruth (RHocker@cityoflancasterpa.com); Volkay_Hilditch, Christine M

(CHilditch@cityoflancasterpa.com); Harner, Bryan (BHarner@cityoflancasterpa.com); Nancy.Schultz@CH2M.com

Subject: RE: Action Items for Lancaster

Fred,

Thanks. My responses below in red. Looking forward to the information you will be providing on October 2. Please copy Bob Smolski, Cate Tierney, Nels Taber, and Janna Williams when you send it to me. I will be out of the office that day and do not want to cause a delay.

Donna

Donna Duer Trial Attorney Environmental Enforcement Section U.S. Department of Justice 202-514-3475 donna.duer@usdoj.gov

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From: Andes, Fredric [mailto:Fredric.Andes@btlaw.com]

Sent: Friday, September 25, 2015 4:24 PM

To: Duer, Donna (ENRD) < DDuer@ENRD.USDOJ.GOV>

Cc: CKatzenm@cityoflancasterpa.com; Brian.Marengo@CH2M.com; 'Smolski, Robert' < Smolski.Robert@epa.gov>;

Tierney, Cate <Tierney.Cate@epa.gov>; 'Taber, Nels J.' <ntaber@pa.gov>; 'jannwillia@pa.gov' <jannwillia@pa.gov>; Hocker, Ruth (RHocker@cityoflancasterpa.com) <RHocker@cityoflancasterpa.com>; Volkay_Hilditch, Christine M (CHilditch@cityoflancasterpa.com) <CHilditch@cityoflancasterpa.com>; Harner, Bryan (BHarner@cityoflancasterpa.com) <BHarner@cityoflancasterpa.com>; Nancy.Schultz@CH2M.com

Subject: RE: Action Items for Lancaster

Thanks, Donna. I was out for the holiday all Wednesday, and am now busy catching up with all of the e-mails. As to the two clarifications that you mention below, we could use some additional detail on what the agencies are looking for. On item 3, as to Manheim Township, we have developed a very rough cost estimate, based on our current thoughts about the effort that might be involved in a daylighting project. But, as we mentioned, the Township has not yet agreed to work with the City on these issues – that is where, as we said, we could use some assistance from EPA and DEP in encouraging the Township to come forward and engage. Until that happens, it will be hard to develop a more detailed plan than the rough ideas that we have currently. So on that issue, we can provide you with a brief summary of our project ideas and the related cost estimate. Is that what you are looking for? Yes, a description of the problem, and ideas and costs to deal with it. We understand your request and are considering the information we have, but to the extent you can provide additional information please do so.

Then on item 5, as to the details about the additional flow monitoring effort, we are thinking about that, so we can develop a proposal back to the agencies that we can all discuss. Can you tell us what kinds of details you all are looking for at this point? The more we know now as to what details are being sought, the less we will have to go back and forth later. So any further details as to your request would be appreciated. Please provide as much information as you are able on October 2 so that we understand your options and plans, even though your proposal may not be complete.

Fredric P. Andes, Esq. Partner, Barnes & Thornburg LLP Suite 4400 One N. Wacker Drive Chicago, Illinois 60606-2833

Phone: 312/214-8310 Fax: 312/759-5646 Cell: 773/354-3100

E-Mail: fandes@btlaw.com

From: Duer, Donna (ENRD) [mailto:Donna.Duer@usdoj.gov]

Sent: Wednesday, September 23, 2015 9:38 AM

To: Andes, Fredric

Cc: CKatzenm@cityoflancasterpa.com; Brian.Marengo@CH2M.com; 'Smolski, Robert'; Tierney, Cate; 'Taber, Nels J.';

'jannwillia@pa.gov'

Subject: RE: Action Items for Lancaster

Fred,

Thank you for the list It is consistent with my list and with the understanding of EPA and PADEP, with a couple of clarifications. First, on item 3, please provide a general scope of work in addition to the cost estimate. Second, on item 5, please provide details on the additional flow monitoring effort. I will be out of the office on Friday, October 2, so please copy Bob Smolski, Cate Tierney, Nels Taber, and Janna Williams when you send me the items below and the City's response to the draft proposed consent decree. We look forward to continuing out discussions with the City. Donna

Donna Duer
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From: Andes, Fredric [mailto:Fredric.Andes@btlaw.com]

Sent: Friday, September 18, 2015 10:16 AM

To: Duer, Donna (ENRD)

Cc: CKatzenm@cityoflancasterpa.com; Brian.Marengo@CH2M.com

Subject: Action Items for Lancaster

Importance: High

Donna: Per the discussion on our recent conference call, I have listed below the action items for the City that we have from our meeting notes. We will provide each of these items within 2 weeks from today (i.e., Friday, October 2). If you have any questions, or think that we missed or got something wrong, please let me know. Thanks.

- 1. GI Plan City will provide additional detail on GI projects, beyond information in this Plan
- 2. Rain gauges City will provide an updated map that includes several new gauge locations that are being planned
- 3. Manheim Township City will provide an estimate for costs involved in daylighting
- 4. North Basin pump station City will provide peak and average flow numbers
- 5. Flow monitoring as to question about 10/31 storm, that was used for verification purposes; as discussed on our call, City will perform additional monitoring going forward
- 6. Infiltration testing City will provide a subset of the site-specific test results, to reflect different project types and different levels of infiltration
- 7. GI sites City will provide a map that includes all 160 sites
- 8. WWTP hydraulic issues City will provide analysis and schematic
- 9. Force main C factor this was addressed during Wednesday's call; field-measured data will be used in next round
- 10. Model update list of tasks and schedule City will provide a proposal

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